

Honorable Judge Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CLYDE RAY SPENCER, MATTHEW RAY
SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY
JAMES M. PETERS, DETECTIVE
SHARON KRAUSE, SERGEANT
MICHAEL DAVIDSON, CLARK COUNTY
PROSECUTOR'S OFFICE, CLARK
COUNTY SHERIFF'S OFFICE, THE
COUNTY OF CLARK, SHIRLEY
SPENCER, and JOHN DOES ONE
THROUGH TEN,

Defendants.

NO. C11-5424-BHS

DECLARATION OF JEFFREY
FREIMUND IN OPPOSITION TO
PLAINTIFF'S MOTION TO BAR
DEFENDANTS' REBUTTAL
EXPERT RONALD KLEIN

**NOTE ON MOTION
CALENDAR:** December 28,
2012

Pursuant to 28 U.S.C. § 1746, JEFFREY FREIMUND, declares under penalty of perjury under the laws of the State of Washington and the United States of America that the following is true and accurate:

1. I am an attorney representing defendant Michael Davidson in the above-captioned matter. I am over the age of 18, competent to testify about the matters stated herein, and make this declaration based on my personal knowledge.

1 2. Attached to this declaration as Exhibit 1 is a true and accurate copy of defendant
2 Davidson's disclosure of rebuttal expert testimony, including the requisite disclosures
3 regarding Dr. Ronald Klein.

4 3. Attached to this declaration as Exhibit 2 is a true and accurate copy of an email
5 exchange among plaintiffs' and defendants' counsel scheduling Dr. Klein's examination of Mr.
6 Spencer following entry of the Court's order compelling that examination.

7 4. Attached to this declaration as Exhibit 3 is a true and accurate copy of an email
8 exchange among plaintiffs' and defendants' counsel regarding plaintiff's proposed conditions
9 on Dr. Klein's examination of Mr. Spencer.

10 5. Attached to this declaration as Exhibit 4 is a true and accurate copy of an email
11 exchange among plaintiffs' and defendants' counsel regarding plaintiff's counsel's withdrawal
12 of Dr. Kuncel as plaintiff's damage expert.

13
14 SIGNED this 24th day of December, 2012 in Olympia, WA.

15
16
17 s/Jeffrey A. O. Freimund
18 JEFFREY A. O. FREIMUND, WSBA No. 17384
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24 jeffF@fjtlaw.com
25 Attorney for Defendant Michael Davidson
26

CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2012, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Douglas H. Johnson, Attorney Pro Hac Vice for Plaintiff Clyde Ray Spencer,
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s/Kathrine Sisson

KATHRINE SISSON

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